

ENVIRONMENTAL PROTECTION AGENCY

Environmental Protection Agency
Region IX
100 California Street
San Francisco, California 94111

JUL 31 1974

Dr. Henri P. Minette
Deputy Director for Environmental Health
Hawaii State Department of Health
P.O. Box 3378
Honolulu, Hawaii 96801

Dear Dr. Minette:

We have reviewed the preliminary draft application for NPDES program approval transmitted by your letter of July 18, 1974, and find that it is quite adequate in all major respects.

Our review has generated some staff comments which are enclosed for your consideration in refining your application for formal submittal by the Governor. One of the points raised in those comments ought to be given particular attention, i.e., the most efficient use of Program Analyst shown in the Staff Services Office.

We would strongly recommend that this individual be assigned responsibility for all administrative handling of permit applications, public notices, fact sheets, draft permits, final permits, and associated documents, such handling to include logging, maintenance of permit files and mailing lists, program statistics, reporting, and related activities. We have found by experience that the proper handling of these myriad administrative details is the key to successful operation of the NPDES program, a program which is estimated to generate approximately 2,000 pieces of paper for each permit issued. It would be an error of major proportions to assign these functions to technical staff members as well as a misuse of limited technical resources. I would urge, therefore, that you closely scrutinize this area of program operations.

We are now making some revisions to the Memorandum of Understanding and hope to send you what we consider to be the final version on or about August 15, 1974.

The only necessary additions to your preliminary draft application that occur to us at this time are the following:

1. Supplementary Attorney General's Opinion on Sec 342-7, HRS, and
2. Proposed amendments to Chapter 37-A and a schedule for their adoption. We have discussed both of these matters with your staff

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and with Mr. Robert Taylor of the Attorney General's Office and know of no remaining problems regarding them.

We will be actively pursuing the subject of IPA assignees in the coming weeks and will keep you advised of our progress.

Please let me know if you have questions regarding any of this and when you now expect to submit your formal application for program approval.

Sincerely,

Original signed by
R. L. O'Connell

Richard L. O'Connell
Director, Enforcement Division

cc: Dr. R. Marland, Director
Office of Env. Qual. Control
PIO

bc: DAAWE
A/W
S/A

Reading file
Enf. Div.
Permits Br.
O'Connell/mc 7/31/74
File815.4 Stored 44-45-46-49

EPA Staff Comments on
Hawaii Preliminary Application
for NPDES Program Approval

1. To the extent that an IPA Program Analyst will be utilized for ADP purposes, a description of how such ADP system will fit into the overall process should be described.
2. The organizational location of the lab support personnel is not clear.
3. The flow chart will need revision when the Memo of Understanding is made final. At that time, the flow chart should accurately reflect MOU procedures. At this time, the flow chart requires modification as follows:
 - a. The public notice and fact sheet are to be sent to the entire mailing list.
 - b. The application and draft permit should be mailed to concerned Federal agencies prior to public notice, upon request.
 - c. Notice of public hearing should also go to the entire mailing list.
 - d. The decision to hold a public hearing, or not, and the sequence of actions following a hearing should be clarified.
 - e. The flow chart should clearly show the opportunity for Regional Administrator's objection before the permit becomes effective.
4. The monthly report of progress should be broken down by major and minor discharges and categorized into industrial, municipal, and agricultural.
5. Addition of an "S" to the NPDES number, in order to identify State issued permits, will not be accepted by the GPSF data file. We do not object to addition of an "S" but that letter can never be used for ADP purposes.
6. Functional Descriptions of organizational units still do not specify NPDES program responsibilities. (It has been noted that there is an indication of the jobs to be performed, by the two NPDES oriented sections, in the list of functions assigned to personnel as shown in Section IV.)
7. The engineers working in permit preparation have too much clerical and administrative work assigned for effective operation.

8. According to the text of Section VII C(1), attachment 5 should include a list of nonfilers. These are either not included or not so identified.
9. The list entitled "State Permit Significant Discharges (not on NPDES list)" (Attachment 5) needs further explanation. How does this relate to the "Significant Discharges" and the "NPDES Significant Discharges for State of Hawaii" lists?

UNITED STATES GOVERNMENT

Memorandum

ENVIRONMENTAL PROTECTION AGENCY, REGION IX

TO : Director, Enforcement Division

FROM : Director, Surveillance & Analysis Division

SUBJECT: Review of Hawaii Preliminary Draft NPDES Program

DATE: 25 JUL 1974

PEA

The following review comments on the above subject document are provided with regard to compliance monitoring:

1. The resources listed to accomplish the compliance monitoring are acceptable. Two of the positions are listed as being provided by EPA on IPA assignments. At the time of delegating the NPDES program to Hawaii, or soon afterward, these assignments should be firm or other arrangements should be made to insure that the needed manpower will be available.
- NOV 2. Copies of compliance inspections of all major permits and selected minors (to be requested by EPA) should be sent to EPA Region IX.
- NOV 3. The Memorandum of Understanding (Attachment 30) states that a plan for sampling and analysis of effluent for the next 12 months will be submitted each July 1. This could be changed to indicate that Hawaii will submit, on a quarterly basis, a list of all compliance monitoring inspections, both with and without sampling, to be conducted during the next three months.
- * 4. The list entitled "State Permit Significant Discharges (not on NPDES list)" (Attachment 5) needs further explanation. How does this relate to the "Significant Discharges" and the "NPDES Significant Discharges for State of Hawaii" lists?
5. Overall, the compliance monitoring portions of the program seem adequate.



B. David Clark

